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Attorneys for Defendants,
COUNTY OF LOS ANGELES and SERGEANT TRAVIS KELLY (erroneously
sued and served as “**SHERIFF DEPUTY BADGE NUMBER 404532**”)
(Defendants is exempt from filing fees pursuant to Government Code § 6103)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JOSHUA ASSIFF,

Case No.: 2:22-cv-05367 RGK(MAAx)

Plaintiffs.

V.

COUNTY OF LOS ANGELES;
SHERIFF DEPUTY BADGE
NUMBER 404532; And DOES 1
through 10,

**[PROPOSED] ORDER GRANTING
DEFENDANTS' FRCP RULE 12
MOTION AS TO PLAINTIFF'S FIRST
AMENDED COMPLAINT**

Date: January 30, 2023

Time: 9:00 a.m.

Dept: 850

[Motion to Dismiss and Request for Judicial Notice filed concurrently herewith]

Action Filed: August 3, 2022
Pretrial Conference: July 10, 2023
Trial Date: July 25, 2023

Assigned to:
Hon. R. Gary Klausner, District Judge
Courtroom 850

All Discovery Matters Referred to:
Hon. Maria A. Audero, District Judge

1 The hearing on the Motion to Dismiss (the “Motion”) filed by Defendants
2 COUNTY OF LOS ANGELES and SERGEANT TRAVIS KELLY (erroneously sued
3 and served as “SHERIFF DEPUTY BADGE NUMBER 404532”) (“Defendants”), came
4 on for hearing in Courtroom 850 of this Court on January 30, 2023,

5 After considering the pleadings and the supporting evidence, this Court finds, and
6 rules as follows:

7 1. The First Amended Complaint for Damages, Declaratory Relief (the “FAC”) filed
8 by Plaintiff Joshua Assiff on December 14, 2022, and each and every claim alleged
9 therein, fails to state any cause of action upon which relief can be granted.

10 2. Plaintiff’s the Fourteenth Amendment claim is superfluous.

11 3. Plaintiff’s first cause of action against “Defendant DEPUTY” premised on the
12 arrest without probable cause is barred under the doctrine of collateral estoppel.

13 4. Plaintiff has failed to state an entitlement to punitive or exemplary damages.

14 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

15 1. The Motion is GRANTED.

16 2. Plaintiff’s claim for unlawful arrest is dismissed with prejudice.

17 3. Plaintiff’s second cause of action against Defendant COUNTY under 42 U.S.C.
18 section 1983 *et seq.* is dismissed with prejudice.

19 4. The allegations at paragraphs 18 and 25 and prayer for punitive damages in the
20 First Amended Complaint filed by Plaintiff Joshua Assiff on December 14, 2022 are
21 stricken with prejudice.

22 5. And prayer for restoration of property in the First Amended Complaint filed by
23 Plaintiff Joshua Assiff on December 14, 2022 is stricken with prejudice.

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1 6. Exhibits 1 and 2 and the allegations at paragraph 21 regarding Exhibits 1 and 2 in
2 the First Amended Complaint filed by Plaintiff Joshua Assiff on December 14, 2022 are
3 stricken with prejudice.

4 **IT IS SO ORDERED**

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6 Dated: _____

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8 JUDGE OF THE UNITED STATES
9 DISTRICT COURT, CENTRAL
10 DISTRICT OF CALIFORNIA

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